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OFFICE OF PETITIONS

In re Application of
Barney et al.
Application No. 08/487,355
Filed: June 7, 1995
Attorney Docket No. 7872-027

ON PETITION

This is a decision on the petition, filed March 8, 2004, which is being treated as a petition under 37 CFR 1.181, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.


This application was held abandoned for failure to timely respond to the Notice of Allowability mailed October 1, 2003, which set a 3 month statutory period for reply. Accordingly, a reply was due on or before January 1, 2004. A Notice of Abandonment was mailed

Petitioner states that the reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of the return postcard, which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on December 31, 2003 of 1. Issue Fee Transmittal; 2. Amendment under C.F.R. 1.312; 3. Amendment Fee Transmittal; 4. Transmittal of Substitute Sequence Listing under 37 CFR 1.821; 5. Two (2) compact disc copies of substitute Sequence Listing; 6. Transmittal for Formal Drawings; and 7. Formal Drawings: 52 Drawings, 83 Sheets.

The reply acknowledged as having been received in the USPTO on December 31, 2003 has been located in the file.

Accordingly, the holding of abandonment for failure to timely file a reply to the Notice of Allowability is hereby withdrawn and the application restored to pending status.

This application is being referred to the Office of Data Management for processing into a patent.


Liana Walsh
Petitions Examiner
Office of Petitions